



**Zoning Board of Appeals Minutes  
Tuesday, November 16, 2021  
5:30 P.M. – City Council Chambers, 2<sup>nd</sup> floor, City Hall  
425 East State Street  
Rockford, IL 61104  
779-348-7423**

**Present:**

**ZBA Members:** Jennifer Spencer  
Craig Sockwell  
Jennifer Smith  
Tom Fabiano  
Dan Roszkowski  
Kim Johnsen

**Absent:** Maurice Redd

**Staff:** Megan McNeill – Assistant City Attorney  
Brenda Muniz – Land Use Planner  
Scott Capovilla - Planning and Zoning Manager  
Mike Rotolo- Fire Prevention Coordinator  
Jeremy Carter - Traffic Engineer

**Others:** John Clishem-Court Reporter (Planet Depos)  
Linda McNeely – Alderman  
Applicants and Interested Parties

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Scott Capovilla explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

- The Chairman will call the address of the application.
- The Applicant or Representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Zoning Board of Appeals secretary and the stenographer.

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party.
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

The ZBA meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the ZBA meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, November 22, 2021, at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, December 6, 2021. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, December 21, 2021. If for any reason the item is laid over at the committee level or on the City Council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 5:37 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the October 19, 2021 meeting minutes. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 4-0 with Dan Roszkowski and Kim Johnsen abstaining.

**ZBA 003-21**

Applicant  
Ward 1

**111 South Perryville Road**

Lamar Advertising

**Special Use Permit** for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District (**Referred back to ZBA by City Council**) **Laid over from July, August, September & October**

The Administration requested a layover for this item.

A **MOTION** was made by Kim Johnsen to **LAYOVER** a Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0.

**ZBA 049-21**

Applicant  
Ward 13

**622 Tay Street**

Nathan Gottschalk for Northwest Recovery

**Special Use Permit** for outdoor storage of towed passenger vehicles up to full-size work vans and trucks in an I-2, General Industrial Zoning District

Prior to the meeting, the Applicant requested a layover for two months.

A **MOTION** was made by Kim Johnsen to **LAYOVER** a Special Use Permit for outdoor storage of towed passenger vehicles up to full-size work vans and trucks in an I-2, General Industrial Zoning District. The Motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0.

**ZBA 051-21**  
Applicant  
Ward 13

**127 North Henrietta Avenue**  
Ponds Family Properties  
**Modification of Special Use Permit** to #049-15 for a new 40' X 30'  
detached garage in an R-1, Single family Residential Zoning District

The Applicant, Tim Nabors Jr. was present representing Ponds Family Properties. Mr. Nabors explains that they acquired the property across the street from the current business that is zoned residential. They would like to be able to add a garage to add more vehicles for the business such as limousines, snow plowing, and lawn care equipment. No questions were presented by the board members.

No objectors or interested parties were present. Staff Recommendation was for Approval.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Modification of Special Use Permit #049-15 for a new 40' X 30' detached garage in an R-1, Single family Residential Zoning District. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of a Building Permit for Staff review and approval establishing the detached garage.
3. Submittal of a landscape plan to include shade trees and building foundation landscaping with the type of plant species for Staff's review and approval.
4. Submittal of building elevations for staff's review and approval.
5. The proposed detached garage cannot be a metal structure.
6. The driveway must be constructed of concrete or asphalt.
7. No signage will be allowed on the subject property.
8. Must develop site in accordance with new landscaping plan approved by Staff.
9. Future use changes will require a Modification of the Special Use Permit.
10. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF THE MODIFICATION OF SPECIAL USE PERMIT TO**  
**#49-15 FOR A NEW 40' X 30' DETACHED GARAGE**  
**IN AN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT**  
**LOCATED AT 127 NORTH HENRIETTA AVENUE**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.

5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the R-1 District in which it is located.

**ZBA 052-21**

Applicant  
Ward 6

**2837 11th Street**

Jayendra Kumar for Yorker Real Estate LLC

**Special Use Permit** for a gas station with convenience store and an auto repair shop in a C-3, General Commercial Zoning District

Amkit Patel was present representing Yorker Real Estate LLC. Mr. Patel indicated that he is the Applicant's business partner who is not present tonight. Jennifer Smith asked if they had both reviewed the conditions and were they in agreement with the conditions. Mr. Patel indicated that he agreed and they are willing to clean up the place.

No objectors or interested parties were present. Staff Recommendation was for approval.

A **MOTION** was made by Craig Sockwell to **APPROVE** a Special Use Permit a gas station with convenience store and an auto repair shop in a C-3, Limited Commercial Zoning District. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes
2. Submittal of a Building Permit for Staff's review and approval.
3. Submittal of color rendering for the building elevations for Staff's review and approval.
4. The hours and days of operation are 6:00 A.M. to 10:00 P.M.
5. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
6. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with plans approved by staff.
7. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
8. Within 45 days of City Council approval of this Special Use Permit, a 20-day Certification and 45-Day Report shall be submitted to the Illinois EPA's LUST section.
9. Within 1 year and 6 months of City Council approval of this Special Use Permit, an Illinois EPA-approved Corrective Action Plan shall be in place.
10. A no further remediation letter shall be obtained within 2 years of City Council approval of this Special Use Permit.
11. The timelines for Conditions #8 through #10 may be extended by the Community & Economic Development division if unforeseen circumstances require additional investigation and remediation.
12. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT**  
**FOR A GAS STATION WITH CONVENIENCE STORE AND AN AUTO REPAIR SHOP**  
**IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 2837 11TH STREET**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-3 District in which it is located.

**ZBA 053-21**

Applicant  
Ward 2

**2303 16th Street**

Mi Reh

**Variation** to increase the maximum height permitted in the front yard from four feet to six feet along 19<sup>th</sup> Street in an R-1, Single family Residential Zoning District

Mi Reh was present with Roger Mills, the fence contractor. Mr. Mills was speaking on behalf of the Applicant due to a language barrier. Mr. Mills indicated that he was the person who built the fence and who is requesting the Variation. He indicated that the reason for that was put into a hardship letter and asked if staff had received a copy of it. Mr. Mills indicated that he had noticed there was a soil report that was submitted but did not see it in the report. Staff indicated that the soil report was received late after the reports had gone out and that the reports had been completed early this month. Jennifer Spencer requested that Mr. Mills elaborate further on the statements within the hardship letter. Mr. Mills indicated that the hardship he noticed as he was working on the property. Mr. Mills said that he noticed in the back alley by the detached garage there was constantly a car that would pull in and there was an obvious transaction of some type and there are people waiting in the alley. This is a consistent thing but it doesn't happen all the time but it does happen at least two or three times a week. The wife plays with the young daughter and Applicant works second shift. Mr. Mills indicated the Applicant and his wife are good people and feel unsafe with that type of activity. There are dogs that run through there. Mr. Mills said it is a quiet neighborhood but they are just like any neighborhood, there are ups and downs. Mr. Mills indicated that he built the fence into the hill. The sidewalk next to the fence had been covered by dirt and that is why that portion of the fence was higher but it was only 5'9" in height from the ground level up. The portion on the retaining wall that was also one inch from being 6 feet tall. He further indicated that he built up this area along the sidewalk with a 20" retaining wall. Mr. Mills said the Applicant had been asking him for the last 3 years to help him build a fence. He knew the Applicant as he had done some refugee work through the Catholic Diocese and had known Mi Reh since 2009. Mr. Mills said he normally only does work for himself at his house because he is too busy. However, had recently found time to get it done.

Jennifer Spencer stated that based on the drawing and what she has seen it appeared that the fence was located in the front yard but not what the public thinks is a front yard. She asked staff about the attached letters. Staff indicated that the letters were objection letters. The letters had been emailed late and were not a part of the packet. Ms. Spencer further indicated that the fence appeared to be sitting further back than what would be considered the front yard and not obstructing view and asked Staff to confirm. Mr. Capovilla indicated that he could not speak on what was meant by the objection letters and pointed out that one of the letters indicated that the fence looked great but did not want to see it within the front and didn't know what was meant by that statement.

Ms. Spencer stated that from the plan it shows that the fence was in the back yard and then asked the Applicant and Mr. Mills if there were plans to add additional fencing in the future. Mr. Mills indicated that this was it and there was no more fencing to be installed for the moment.

Jennifer Smith had a concern about the fence and the sight triangle and she felt that the construction of the fence was good. However, felt that she could move forward to approve it but the question is the sight triangle and the alley.

Mr. Capovilla wanted to clarify to board members that the fence is beyond 6 feet in height due to the grade change on the property and due to the retaining wall making the fence higher than 6 feet. The height is measured from street grade to the highest point. Mr. Mills kept referencing the height as 6 feet during his presentation which is not correct. Mr. Capovilla said staff's opinion is that this item could still move forward to allow the Applicant to re-advertise it with the correct height or if the board decided to deny the request as presented. He said the Variation request should have been for an 8-foot tall fence or higher as staff verified the height when the property was posted. Mr. Capovilla said if the board decided to approve the fence height as existing, the request would need to be re-advertised to the correct fence height or reduce the fence height to 6 feet in height.

Craig Sockwell asked Staff if the rear portion of the fencing was in compliance. Staff indicated that the portion that was located in the rear closer to the driveway appeared to be more in compliance with the request. Staff further indicated that there was a section that was over 8 feet in height. Craig Sockwell stated that the portion that is 8 feet in height should come into compliance.

Ms. Spencer asked staff that if the board were to vote for approval on this item, what would be done. Staff confirmed that if approved at 6 feet along the portion within the front yard, then the portion over 6 feet would need to be reduced to that height.

Tom Fabiano asked how this would comply. Mr. Fabiano asked if they could give the property owner time to bring fence height into compliance with the approved Variation. Ms. Spencer asked if 6 months would be reasonable and the board all agreed that it would be enough time.

No interested parties were present. Staff Recommendation was for denial.

A **MOTION** was made by Jennifer Spencer to **APPROVAL** a Variation to increase the maximum height permitted in the front yard from four feet to six feet along 19<sup>th</sup> Street in an R-1, Single Family Residential Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO INCREASE THE MAXIMUM HEIGHT PERMITTED IN THE FRONT YARD**  
**FROM FOUR FEET TO SIX FEET ALONG 19<sup>TH</sup> STREET**  
**IN A R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT**  
**LOCATED AT 2303 16<sup>TH</sup> AVENUE**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.

3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 054-21**

Applicant  
Ward 1

**6820 East State Street**

Adam Firsell for Core Rockford 1, LLC

**Variation** to reduce the required 102 parking spaces to 76 parking spaces in a C-2, Limited Commercial Zoning District

Adam Bell was present representing Core Rockford 1, LLC. Mr. Bell stated that they were issued a building permit to construct a retail strip center. Mr. Bell indicated that he was present to request the Variation to reduce the required parking from 102 parking spaces to 76 parking spaces. He further indicated that two buildings were under construction, with one building for auto related use, which recently was approved under a Special Use Permit earlier this year, and the other building for two restaurants. Mr. Bell said there is a parking agreement with Midland States Bank for an additional of 31 parking spaces that is included for the proposed Mission Barbecue restaurant. This would make a total of 89 parking spaces and they believed it satisfied the parking requirement. However, since there will be an outdoor seating area, additional parking was required.

Tom Fabiano asked if it was the outdoor seating area was the reason for this request and Mr. Bell confirmed that it was.

Kim Johnsen asked a question about the lease agreement with Midland States Bank. She was curious if the Applicant had to pay Midland States Bank money to lease the parking spaces. Mr. Bell indicated that they did not have to pay money and they were only asked to keep the parking spaces clean of debris and the cost of maintenance would fall back on their tenants per the lease.

No interested parties were present. Staff Recommendation was for approval.

A **MOTION** was made by Jennifer Smith for **APPROVAL** of a Variation to reduce the required 102 parking spaces to 76 parking spaces in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0

Approval is based on the following conditions:

1. Meet all applicable Building and Fire Codes.
2. The site must develop in accordance with Exhibit D.
3. The Parking Easement Agreement (Exhibit E) must be maintained, as a legally binding agreement.

4. Any Change of use or change in the business operation of the proposed tenant space will require review and approval of the Zoning Officer.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION  
TO REDUCE THE REQUIRED 102 PARKING SPACES TO 76 PARKING SPACES  
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 6820 EAST STATE STREET**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 055-21**

Applicant  
Ward 13

**1708 West State Street**

Christopher Bass

**Special Use Permit** consisting of a banquet hall for family gatherings, bridal showers, meetings, fundraisers, and holiday gatherings in a C-3, General Commercial Zoning District

The Applicant, Christopher Bass, was present. The Applicant explained that he is requesting a Special Use Permit for a banquet hall for family gatherings, bridal showers, meetings, fundraisers and holiday gatherings.

Tom Fabiano asked if he had prior experience in this type of business. Mr. Bass indicated that he did not.

Craig Sockwell asked Mr. Bass where parking would be located for customers. Christopher Bass indicated that there are four (4) parking spaces along the side and six (6) parking spaces in the front. There is another parking lot across the street. Mr. Sockwell asked where this parking lot across the street is located. Mr. Bass responded that it was on the corner of West State Street and Independence Avenue as shown on Exhibit C.



Jennifer Spencer asked if the parking lot was on the far west side of the strip mall. Mr. Bass confirmed that she was correct. Ms. Spencer asked how many people would be gathering within the tenant space. Mr. Bass indicated that there would be 25 people. Ms. Spencer stated the floor plan exhibit shows a lot more room for more people. Ms. Spencer said Staff had concerns in regards to life safety issues such as exits, bathrooms and sprinkler systems and asked how Mr. Bass would he have the ability to address those issues. Mr. Bass indicated that there were three exits and he would add sprinkler system if requested.

Mr. Fabiano asked why Mr. Bass would limit the tenant space to 15 people when the exhibit shows seating for 75 people. Mr. Fabiano also inquired if this request was granted, would Mr. Bass limit the space to only 15 people. Mr. Bass indicated that he would limit it.

Jennifer Spencer asked why the Applicant would want to limit this space to 15 people when you could fit more people within this tenant space. Mr. Bass responded that the space is only 1,500 square feet and he thinks up to 25 people would not be crowded. Ms. Spencer stated that the tenant space would need to be brought up to code and an additional bathroom would have to be provided. She further asked if Mr. Bass had conversations with Staff addressing some of the concerns. Staff confirmed that the Applicant had not worked with staff on these issues and this application was a result of a violation. Staff stated these life safety issues must be reviewed with the Plans Examiner and the Fire Department.

Mr. Sockwell asked what happens to the existing parking spaces when other businesses are open and if the parking spaces are being utilized by those businesses. Mr. Bass indicated that the landlord had given him the ability to use about 12 parking spaces within the shopping center and the additional parking lot across the street. Mr. Sockwell indicated that he did not feel that it is enough parking for existing businesses and this use. Mr. Bass responded that is the reason that he feels that it should be limited 15-20 people, as it would only take up 15 parking spaces.

Elaine Theobald and Sharifa Nichols were present to object. Ms. Nichols was present on behalf of one of the business owners within the shopping center. Ms. Nichols indicated that in the short time that the banquet business had been open there have been people standing around in the parking lot talking and drinking after events. If they were granted this request and hold a large event, Ms. Nichols was concerned on how a large crowd of people would be controlled. She was concerned that there is not enough parking and it is already limited for the existing businesses. Ms. Nichols believes this tenant space is too small for this type of venue. Ms. Theobald indicated that she agreed with Ms. Nichols previous comments. Ms. Theobald felt that this business would be using the entire parking available to the businesses in the shopping center. She is all for supporting local businesses but felt that this tenant space and shopping center is not the appropriate location for that type of business.

Mr. Bass responded to the objector's concerns on parking. He felt that if he would limit the tenant space to 15 people, then there would be enough parking spaces.

Mr. Sockwell indicated that he is familiar with the area and knows that there is limited parking for the shopping center. Even with limiting the number of people and addressing the life safety issues, he believes the parking issue is still a concern. Dan Roszkowski indicated that space was intended to support a retail establishment and there are issues with one bathroom within the tenant space. Mr. Fabiano indicated that even if this item is laid over, there is still the issue with parking. Ms. Smith indicated that the landlord should have figured out parking but this use would not work at this location.

Staff Recommendation was for denial.

A **MOTION** was made by Jennifer Spencer to **DENY** a Special Use Permit consisting of a banquet hall for family gatherings, bridal showers, meetings, fundraisers, and holiday gatherings in a C-3, General

Commercial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

**FINDINGS OF FACT FOR DENIAL OF A  
SPECIAL USE PERMIT CONSISTING OF A BANQUET HALL FOR FAMILY GATHERINGS, BRIDAL  
SHOWERS, MEETINGS, FUNDRAISERS, AND HOLIDAY GATHERINGS  
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 1708 WEST STATE STREET**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance, or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will not be provided.
5. Adequate measures have not been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-3 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:30 PM.

Respectfully submitted,  
Brenda Muniz, Land Use Planner  
Zoning Board of Appeals